

EI-1986

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Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

April 13, 2006



**VIA UPS NEXT DAY AIR**

Surface Transportation Board  
Section of Environmental Analysis  
1925 "K" Street, N.W., Room 504  
Washington, DC 20423-0001

Attention: Victoria Rutson

**RE: Docket No. AB-33(Sub-No.175X), Union Pacific Railroad Company  
- Abandonment Exemption - - In Hamilton County, Iowa  
(Ellsworth Industrial Lead)**

Dear Ms. Rutson:

Union Pacific Railroad Company ("Union Pacific") has received a request from the Iowa Trails Council representing the Hamilton County Conservation Board of Hamilton County, Iowa requesting the issuance of a Certificate or Notice of Interim Trail Use pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Ellsworth Industrial Lead from M. P. 0.0 near Jewell to the end of the track at M. P. 3.2 at Ellsworth, a distance of 3.2 miles in Hamilton County, Iowa (the "Line").

The Union Pacific is willing to negotiate with the Iowa Trails Council concerning the acquisition of the subject property for trail use and supports the Council's request to negotiate for a period of 180 days. A copy of the Iowa Trails Council's request is attached hereto as Exhibit "A" and hereby made a part hereof.

Ten (10) additional copies of this letter with exhibits are enclosed for the Board's use and distribution.

Sincerely yours,

Mack H. Shumate, Jr.

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written over the typed name.

Enclosures



P O Box 131 Center Point, IA., 52213-0131 319-849-1844  
Tom F. Neenan, Executive Director

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Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 "K" Street  
Washington, D. C., 20423

Ref. AB 33 ( Sub No. 175X)

Dear Secretary Williams:

With this application we are representing the interests of the Hamilton County Conservation Board of Hamilton County, Iowa. We are asking for a 180 day period in which to negotiate the acquisition of the 3.2 mile railroad right-of-way between milepost 0.0. near Jewell, Iowa to milepost 3.2 at Ellsworth, in Hamilton County, Iowa, for the purpose of establishing a trail thereon.

This is a formal petition to the Surface Transportation Board for the privilege of representing the Hamilton County Conservation Board in these negotiations. There is a need to preserve this right-of-way for possible reactivation of rail service and a need for interim use as a trail in order to preserve this land in proper condition so that rail service might return.

There is a need for energy efficient transportation here, as well and preservation of this soon to be abandoned right-of-way presents an excellent opportunity to accomplish this. In addition, preservation of this right-of-way presents an opportunity for the installation of utility lines, both overhead and underground, so that more valuable land is not disturbed and so that the rights of those utilities might more logically be protected by the users of such a trail.

We request that if abandonment of this line is approved by the Surface Transportation Board, that a Notice of Interim Trail Use be imposed and that a Public Use Condition be placed upon this abandonment. A Public Use Condition is believed to be in the best interests of the local citizens, due to the lack of sufficient recreational facilities locally.

The use of this particular railroad right-of-way as a trail will serve the citizens well by the joining together of other public facilities in the area, thereby providing easy and safe access to these facilities.

Our experience in dealing with such acquisitions is that a minimum of 180 days is required for negotiations with the railroad. We request that the Board allow at least this time period in which to negotiate with the railroad. During this negotiation time we request that the Board prohibit the removal of any bridges, trestles, culverts, or ballast, or any other items that are important to the use for which this request is being made.

The Iowa Trails Council and the Hamilton County Conservation Board which the Council represents, separately and together, are willing to assume full responsibility for the management of this land, for any legal liability arising out of the transfer or use of this land (unless the user is immune from liability) and for the payment of any and all taxes that may be levied or assessed against this land following transfer of title.

We acknowledge, as well, that the use of this right-of-way as a trail is contingent upon our continuing to meet the responsibilities described above. It is also agreed that the use of this right-of-way as a trail will be terminated if there is a need in the future for reactivation of rail service, as provided by U. S. C. 1247 and CFR 1159.28, Section 8 (d) of the National Trails System Act Amendment of 1983.

We are enclosing ten copies of of a map depicting this area where the proposed abandonment lies as well as ten copies of this application. We are likewise sending copies of this application to the Union Pacific Railroad offices at Chicago and Omaha this day.

We are faxing this application to your Washington, D. C. offices and mailing additional copies by regular mail service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom F. Neenan", followed by a horizontal line.

Tom F. Neenan

